

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Guillermo Villa,

Petitioner,

No. 1:22-CV-02918(JHR)(SDA)

-against-

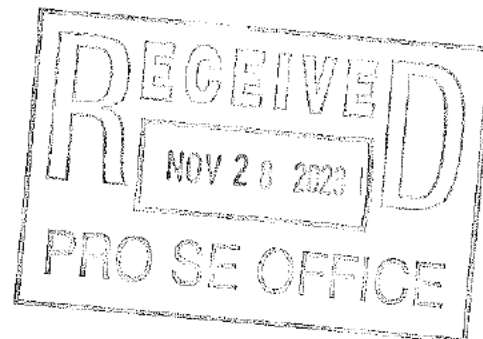
NOTICE OF MOTION

Julia Wolcott,

Respondent.

PLEASE TAKE NOTICE, that petitioner will move this Court at the United States Courthouse, on a date and at a time to be set by this Court, for an order extending petitioner's time to answer and filing objection to report and recommendation pursuant to 28 USC. § 636[b](1).

Dated: October 10, 2023



By Guillermo Villa

Attica Correctional Facility
Box 149

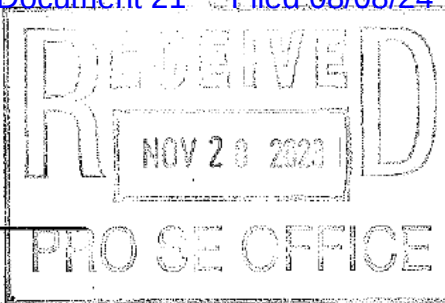
Attica, New York 14011-0149

Application GRANTED. Petitioner requests a 60-day extension of time to file his objection to the Report and Recommendation (the "Report") issued by Magistrate Judge Aaron. ECF No. 18. Petitioner's application was filed on the docket more than one month after the deadline to file objections to the Report. *See id.* at 18. Nonetheless, in light of Petitioner's *pro se* status and the fact that Petitioner apparently attempted to submit the extension request eight days after the deadline to do so, the Court will grant Petitioner's requested extension. *See* ECF No. 19 at 6 ("On or about October 10th 2023, I filed a motion for a Extension of Time for objections with the Court."); *see also* Order, *Smith v. State of New York et al.*, No. 13 Civ. 8423 (NSR) (S.D.N.Y. Jan. 25, 2017), ECF No. 41 (granting petitioner "an extension of 75 days" to file objections to report and recommendation); *Dickerson v. Conway*, No. 08 Civ. 8024 (PAE) (FM), 2013 WL 3199094, at *1 n.2 (S.D.N.Y. June 25, 2013) ("On March 9, 2013, one month after the Report was issued, [petitioner] sent a letter to the Court requesting an extension of time to file his objections. The Court granted him an extension until April 30, 2013. On May 3, 2013, the Court received a letter from [petitioner] . . . [and the Court] granted [petitioner] another extension, until May 30, 2013, to file his objections.").

The Clerk of Court is directed to terminate ECF No. 19. The Clerk of Court is further directed to mail a copy of this Order to *pro se* Petitioner.

Jennifer R. Rearden

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



Guillermo Villa,

Petitioner,

No. 1:22-CV-02918(JHR)(SDA)

-against-

Julia Wolcott,

Respondent.

MOTION FOR EXTENTION
OF TIME TO ANSWER AND
FILE OBJECTION TO REPORT
AND RECOMMENDATION

I Guillermo Villa, an incarcerated individual at the Attica Correctional Facility in the State of New York and before this Court, declare under penalty of perjury, pursuant to 28 USC. § 1746, that:

1. I am Guillermo Villa, an incarcerated individual at the Attica Correctional Facility Box 149 Attica, New York 14011-0149 and I am the petitioner in this habeas corpus proceeding.

2. Petitioner has filed a habeas corpus petition pursuant to 28 U.S.C. § 2254, stating that I am being held in the state custody in violation of my federal constitutional rights. Petitioner is incarcerated pursuant to a New York State judgement rendered on April 23, 2014, petitioner was convicted in the New York State Supreme Court, Bronx County (Massaro, J.) of Murder in the Second Degree (Penal Law 125.25[1]) and Criminal Possession of a Weapon in the Second Degree (Penal Law § 265.03[1](b)). The court sentence him, as a second felony offender, to a prison term of twenty-five years to life on the murder count and to a concurrent prison term of fifteen years, to be followed by five years of post-release supervision, on the weapon count. Petitioner is currently serving his prison sentence.

3. Pursuant to this Court's order of September 13, 2023 stating that the parties shall have fourteen (14) days (including weekends and holidays) from service of this report and recommendation to file written objections pursuant to 28 U.S.C. § 636(b)[1] and rule 72(b) of the Federal Rules of Civil Procedure. See also Fed. R. Civ. P. 6(a),(d) (adding three additional days when service is made under Fed. R. Civ. P. 5(b)[2](c), (d) or (f)). A party may respond to another party's objections within fourteen days after being served with a copy. Fed. R. Civ. P. 72(b)[2]. Such objections, and any response to objections, shall be filed with the clerk of the Court. See 28 U.S.C. § 636(b)[1]; Fed. R. Civ. P. 6(a), 6(d). Any requests for an extension of time for filing objection must be addressed to judge Rearden.

4. For the pursuant order stated in the above paragraph and the Attica Correctional Facility constrictions of time due to population high demand on callout to the facility law library and security issues for which callout are not guarantee, I petitioner Mr. Guillermo Villa is requesting an extension of time in order to provide a complete objections to this report and recommendation.

5. Petitioner is Pro-se therefore, I asking this Court to grant me the extension of time 60 days.

6. WHEREFORE, for the foregoing reasons, petitioner respectfully requests that the Court extend the time for responding to the NOTICE OF PROCEDURE FOR FILING OBJECTIONS TO THIS REPORT AND RECOMMENDATION to December 10, 2023.

Dated: October 10, 2023

Respectfully Submitted,

Guillermo Villa, 14-A-1998
Pro-se.
Attica Correctional Facility
Box 149
Attica, New York 14011-0149

DECLARATION OF SERVICE

Guillermo Villa, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury as follows: that on October 10, 2023 I served motion for extension of time to responding to the notice of procedure for filing objections to this report and recommendation, by having it mailed to respondent at the following address:

T. Charles Won (TW 1121)
District Attorney
Bronx County
198 East 161st Street
Bronx, New York 10451

Executed on October 10, 2023

Guillermo Villa, 14-A-1998
Pro-se,
Attica Correctional Facility
Box 149
Attica, New York 14011-0149

To: Clerk

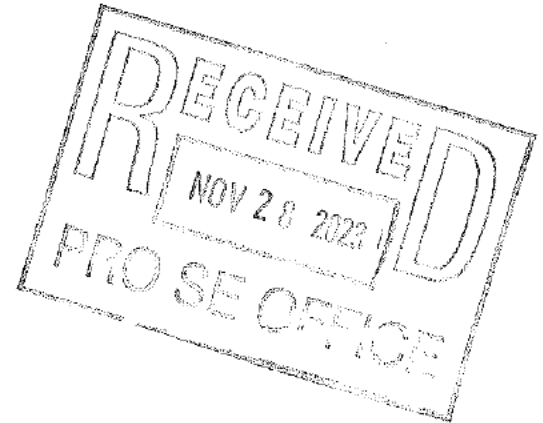
From: Guillermo Villa

No:1:22-CV-02918(JHR)(SDA)

Attica Correctional Facility

P.O.Box 149

Attica New York 14011-0149



Re: Motion For Extension of Time

On or about October 10th 2023, I filed a motion for a Extension of Time for objections with the Court. It has been a month and 11 days and still have heard a reply from the Court yet. Being that this Facility sometimes play with incarcerated Individuals mail I'm writing for an update on the status of my motion. And Also sending a copy against just in case the motion never made it to the Court. See Attached.

Sorry for adding to your already busy day.

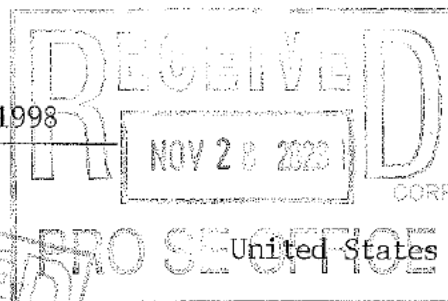
Dated:November 21st 2023

Respectfully Submitted

A handwritten signature in black ink, appearing to be "G. Villa", written over a horizontal line.

ATTICA CORRECTIONAL FACILITY
BOX 149
ATTICA, NEW YORK 14011-0149

NAME: Guillermo Villa DIN: 14-A-1998



ATTICA



CORRECTIONAL FACILITY

PRO SE OFFICE

United States District Court

Southern District Of New York

U.S. Courthouse 500 Pearl St.

New York, N.Y. 10007

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FIRST-CLASS MAIL

11/22/2023

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---Legal Mail---

Pro Se a.k.

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